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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 ARTURO TORRES OCHOA,

9 *Plaintiff,*

10 vs.

11 S. C/O MANNING, *et al.*,

12 *Defendants.*
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3:14-cv-00095-RCJ-VPC

ORDER

14 Plaintiff Arturo Torres Ochoa, who is in the custody of the Nevada Department of
15 Corrections, has submitted a handwritten complaint seeking to initiate a civil rights action.

16 The papers presented are subject to substantial defects.

17 First, plaintiff neither paid the filing fee nor submitted a pauper application.

18 Second, the entirely handwritten complaint was not submitted on the Court's complaint
19 form as required by Local Rule LSR 2-1.

20 It does not appear from review of the allegations presented that a dismissal without
21 prejudice of the present improperly-commenced action would lead to a promptly-filed new
22 action being untimely or otherwise result in substantial prejudice.

23 The Court notes in this regard that plaintiff has filed numerous meritless, frivolous
24 and/or delusional actions in this district. As a result, the Court has found plaintiff subject to
25 the "three strikes" provisions of 28 U.S.C. § 1915(g) in 3:10-cv-00483-ECR-VPC (dkt. no. 7).
26 Under § 1915(g), a prisoner who has brought three or more frivolous or meritless actions may
27 not proceed *in forma pauperis*; and he instead must pay the full filing fee in advance, unless
28 he is under imminent danger of serious physical injury.

1 Plaintiff alleges in the present complaint that correctional officers have tampered with
2 and poisoned his food. This allegation of imminent danger, however, is delusional or
3 frivolous. Plaintiff has made substantially the same allegation in a number of actions. See,
4 e.g., 3:12-cv-00285-MMD-VPC; 3:12-cv-00276-HDM-VPC; 3:12-cv-00239-RCJ-VPC. The
5 Court held a hearing on the allegation in 3:12-cv-00239-RCJ-VPC and confirmed that the
6 allegation indeed is wholly baseless. Plaintiff has been alleging that his food has been
7 poisoned now for approximately two years. Yet he nonetheless has not succumbed to such
8 alleged poisoning that alleges places him in imminent danger.

9 Plaintiff accordingly will sustain no substantial prejudice from the dismissal of this
10 improperly commenced action without prejudice.

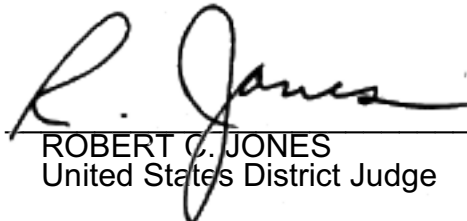
11 **Plaintiff has continued to file a multitude of similar frivolous actions in this Court**
12 **despite repeated dismissals on the same basis as in this order. Plaintiff is placed on**
13 **notice that this continued vexatious filing of civil rights actions in this Court will result**
14 **in a referral to correctional authorities for consideration of possible disciplinary**
15 **sanctions for major violation MJ48 and/or forfeiture of statutory sentence credits under**
16 **N.R.S. 209.451(d).**

17 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice.

18 IT FURTHER IS ORDERED that the application for leave to file submitted with the
19 complaint is DENIED.

20 The Clerk of court shall enter final judgment accordingly, dismissing this action without
21 prejudice.

22 DATED: April 3, 2014

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26 ROBERT C. JONES
27 United States District Judge
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